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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,729	11/25/2003	Brown Lyle Wilson	104-34622	5765

7590

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EXAMINER

THOMPSON, KENNETH L

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/721,729

Applicant(s)

WILSON ET AL.

Examiner

Kenneth Thompson

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 13, 16 is/are rejected.
- 7) ☒ Claim(s) 6, 10-12, 14, 15, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Jensen, U.S.

4,234,295.

Regarding claims 1-3, Jensen discloses an electric rotary pump (156) supplying a reciprocating pump (120) and a conduit (114) leading from the intake (141) of the reciprocating pump to below the intake (171) of the rotary pump.

Claims 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Pope, U.S.

4,591,320.

Regarding claims 5 and 7, Pope discloses a rotary pump (66), a reciprocating pump (50), a drive piston (82), a sequencing valve housing a shuttle valve (68) with an inlet port (88) - outlet port (98) and having an associated spool (72) having a first (122) and second (opposite distal end) ends.

Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gates, U.S.

1,593,820.

Regarding claim 8, Gates discloses a rotary pump (12), a reciprocating pump (48), a drive piston (24) and a shaft (44) having a passage from the intake (53) to the discharge (46).

Regarding claim 9, Gates discloses a primary piston (24), a secondary piston (48,52) in communication with well fluid (at 53) and a sequencing valve (26).

Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Walling, U.S. 4,406,598.

Regarding claim 16, Walling discloses a downhole rotary pump (50) and reciprocating pump (56) both communicating with a fluid in the well wherein the motor is cooled with fluid flowing from the well (col. 3, lines 40-47).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen, U.S. 4,234,295 in view of Pope, U.S. 4,591,320.

As to claim 4, Jensen discloses all the claimed limitations except for the rotary pump being a centrifugal pump. Pope touts the efficiency a downhole centrifugal pump (col. 1, lines 50-58) to reduce the cost of production. It would have been obvious, and is well known, to those having ordinary skill in the art at the time of the invention to arrange for the rotary pump disclosed by Jensen to be centrifugal as taught by Pope to widen the profit margin.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gates, U.S. 1,593,820 in view of Pope, U.S. 4,591,320.

As to claim 13, Gates discloses all the claimed subject matter including a primary (24) and secondary (48,52) pistons, intake and discharge valve mechanism (53). Gates discloses all the claimed limitations except for the rotary pump being a centrifugal pump. Pope touts the efficiency a downhole centrifugal pump (col. 1, lines 50-58) to reduce the cost of production. It would have been obvious, and is well known, to those having ordinary skill in the art at the time of the invention to arrange for the rotary pump disclosed by Gates to be centrifugal as taught by Pope to widen the profit margin.

#### ***Allowable Subject Matter***

Claims 6, 10, 11, 12, 14, 15, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

#### ***Conclusion***

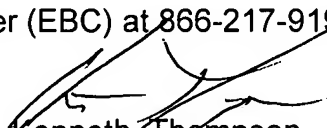
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4 January 2005



Kenneth Thompson  
Primary Examiner  
Art Unit 3672